

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
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VIA ECF

July 12, 2024

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

Plaintiffs submit this short letter to clarify the record concerning the sealing request submitted by Akram Alzamari (ECF No. 10073). Mr. Alzamari's letter accurately recounts that Plaintiffs have agreed not to oppose certain specified redactions to his deposition transcript, and have reserved their rights as to the videotape deposition. However, Mr. Alzamari's letter omitted key aspects of Plaintiffs' communication explaining their position and rationale, and his letter could create the inaccurate impression that Plaintiffs agree with arguments he has offered in support of sealing in his letter. This is especially problematic given the FBI's suggestion that the Court should undertake evaluations of purported privacy interests on its own.

To clarify, and as we stated in writing to Mr. Alzamari's counsel, Plaintiffs do not agree that Mr. Alzamari's articulation of privacy interests suffice to warrant sealing of judicial documents relating to him. Mr. Alzamari's associations and actions are central to the Court's judicial function, and his self-serving claims are disputed and could not be credited for purposes of a sealing application. Indeed, the public and media have a compelling interest in evaluating such claims on their own. Further, Mr. Alzamari's interactions with the hijackers, Thumairy, Johar, and others, and his interviews with the FBI, are already a matter of public record, *see* Public Version of KSA Brief, Filed With FBI and DOJ Approval, at ECF No. 9436, and have been for some time. The public letter from Mr. Alzamari's own counsel references his interactions with the hijackers, in the same breath that it paradoxically argues that disclosure of "any relationship" between him and the hijackers could raise security concerns, and despite the fact that Mr. Alzamari is not moving to seal his deposition testimony discussing those very interactions. The very way Alzamari's argument is presented undermines it, as does the content of the public record that Alzamari has agreed can be unsealed.

As for Alzamari's concerns about the potential that release of his video deposition could enable his identification based on his image, Plaintiffs will simply note that such claims would not withstand scrutiny on a more complete record.

The Honorable Sarah Netburn
July 12, 2024
Page 2

Despite the foregoing, Plaintiffs agreed not to oppose Alzamari's sealing requests, in the hopes of reducing the scope of the present briefing to the Court and for pragmatic reasons.

Respectfully submitted,

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cc: The Honorable George B. Daniels, via ECF
All Counsel of Record via ECF